

# THE SCOTT ACT.

## REASONS WHY

—THE ELECTORS SHOULD—

## VOTE AGAINST IT.

### *Temperance*

## BY ACT OF PARLIAMENT A FARCE.

"The subject who is truly loyal to the Chief Magistrate will neither advise nor submit to arbitrary measures."—JUNIUS.

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1880.

## THE SCOTT ACT.

In view of the fact that temperance agitators are urging the adoption in Canada of a partial prohibitory law known as the "Scott Act," it will prove of advantage to the electorate to have a few facts laid before them, shewing the working of such laws in other places.

Comment on the Dunkin Act is unnecessary; it was a specimen of faulty legislation in no way creditable to the intelligence of its authors, and which, when sought to be put into practice, proved entirely unworkable and responsible for evils that in nearly every community earned its repeal at the earliest possible moment.

The agitators were reckless in their promises as to the grand benefits that would result from "Dunkin;" they are now with similar arguments seeking to prevail upon the people to vote in favor of a more stringent prohibitory law.

Moral suasion, or seeking to reclaim a man by appealing to his better nature, or by an earnest endeavor through his reasoning faculties to show him the error of his way, is not sufficiently radical to meet the views of the professional agitators who do the active work of the prohibitionists.

Sobriety by Act of Parliament is their motto, and regardless of the individual rights and privileges of the people, they purpose to muzzle the mouths of all in their desire to close those of the small minority who drink to excess.

Every true citizen of the Dominion must desire to see temperance rule in the land, yet if we cannot possess a sober community except through the influence of coercive measures, it argues but little success as a result of the teachings of those whose duty it is to preach temperance in all things.

Kindness and sympathy judiciously exercised may succeed; when such are powerless to separate the drunkard from his dram, all the laws framed since the days of Solomon will fail to accomplish his redemption.

If prohibition does not decrease drunkenness it is a failure. If when it robs the municipalities of hundreds of thousands of dollars of revenue it fails to improve the morality of the people it is undeserving the support of intelligent minds. A perusal of the following pages will show the reader that such laws as the "Scott Act" are more a curse than a blessing.

The State of Maine is noted as the headquarters of temperance legislation, and in Portland the home of Neal Dow, the great apostle of prohibition, where for twenty-five years the law has been in force is a fair field in which to examine its working. No public bars or liquor stores are to be seen. A city agent, appointed by the authorities, has the exclusive legal right to sell intoxicating liquors; he in turn is by law compelled to buy from the State agent. The suppression of the bar-rooms and shops does not appear to have accomplished the good that such extremists as Neal Dow prophesied would result from their extermination. That gentleman has repeatedly, both in letters that he has sent to Canada and in his public utterances in other States, made the statement that scarce any

liquor was sold in Portland. In reply to such assertions, repeated over and over again on Canadian platforms by temperance orators doing duty in the Dunkin campaigns, I subjoin a little official information that sadly mars their story. The population of Portland is nearly 35,000, or scarcely one-half that of Toronto, and the following is her municipal record:—Arrests for drunkenness for the municipal year 1876, ending March 31st, one thousand six hundred and forty; for 1877, one thousand three hundred and eighty-five. Toronto under a license law, with a population of 80,000, had in 1879 a record of 2,836 arrests for drunkenness; while the city of Portland before alluded to, with a population of 34,000 had for the same year 1,603 persons arrested for drunkenness. To be as bad as Portland Toronto must increase her arrests to about 3,800, as it is she enjoys a large revenue from the license fund, and proportionately provides less material for the police Court than the prohibitionist model town. The population of Portland in 1851, when the Maine law was passed, was about twenty-four thousand, her average annual arrests for drunkenness under the license law had been about 300; comparing the past with the present record the latter is anything but encouraging. In conversation with a large number of the leading citizens of Portland, prohibitionists as well as license men, I found all agree in saying that a good deal of liquor of very bad quality was no doubt sold in the city. In the hotels the traveller can not only order what he requires to be sent to his room but he can have it openly brought to him in the dining hall. The tendency of prohibition is to drive the trade into the hands of the most disreputable classes. The Mayor of Portland stated to me that many women carried liquor in flasks about their persons, and sold it out by the glass to customers. In the words of one of the leading journalists of Portland "The quality of the spirits and beer sold by these people is so wretched that no man would look at it in a licensed house."

Next we will glance at Bangor, a city often quoted in Ontario as a place that prohibition had converted into an almost earthly paradise. More than one temperance orator on the Canadian platform going so far as to assert that one police officer was all that was necessary in Bangor to keep the peace. Now for a little documentary evidence. The population of Bangor in 1864 was about 16,000; and in 1877, about 18,000. So as to render thoroughly intelligible the following record it is necessary to state that the municipal year commences on the 22nd of March and ends on that date the following year. From 1864 to 1872, inclusive, the law was not rigidly enforced in Bangor, the hotel keepers sold over the bar, and there was a sort of understanding between the members of the trade and the authorities, that if the former kept good order and cleared their saloons at a reasonable hour, they would not be interfered with. The following figures, kindly furnished by the City Clerk, speak for themselves. During the

years when respectable hotels sold liquor;—

1864-5..	One year's arrests for drunkenness	408
1865-6..	" " "	381
1866-7..	" " "	272
1867-8..	" " "	212
1868-9..	" " "	280
1869-70..	" " "	360
1870-71..	" " "	362
1871-72..	" " "	450
1872-73..	" " "	317

Now commenced a close application of prohibition, under which no hotel was allowed to sell spirituous liquors, the trade being again driven into disreputable channels, and the following was the

### Result Under Strict Prohibition.

1873-4..	One year's arrests for drunkenness	643
1874-5..	" " "	704
1875-6..	" " "	770
1876-7..	" " "	384
1877-8..	" " "	417

Yet such is the class of legislation that agitators desire to see in force in Canada.

Strike a total for the above five years under a strict application of prohibitory law, then select the five heaviest years during which respectable hotels were allowed to sell liquors, and note what the record so eloquently declares.

Instead of one constable doing all the duty required in Bangor, the civic report shows one marshal and twelve constables; there are also five additional officers not on the regular force, who are paid by fees, and three deputy sheriffs, whose whole time is taken up hunting for secreted liquor. I have repeatedly heard the statement advanced in Ontario that the police in Maine were much more strict in arresting drunkards than in any other section. Such an argument is not founded on fact. The Marshal of Bangor, who is a temperance man, told me that his order to the force was not to arrest a man under the influence of liquor unless he was disturbing the peace, or unless he was a character known to the police as likely to create a row before going home. In Bangor as in Portland, a city agent is supposed to sell all the liquor required in his district, and I find the agent's returns for the year ending in March, 1877, were no less a sum than \$26,481.60. Please to remember that he by law is only permitted to sell for medicinal, mechanical, and manufacturing purposes. The above volume of trade would lead one to believe that the air of Bangor is very unhealthy, else that there is a good deal of truth in the statement made to me by many leading citizens that "any man can go into the agency and get his bottle filled." Slightly suggestive, however, of the fact that the city agent sells only small proportion of the liquor consumed in the community is the following circumstance: A prominent druggist of Bangor failed a short time ago, and in looking over his list of creditors a Boston liquor merchant figured to the tune of \$1,800 for rum, whiskey, brandy, and gin, supplied to the apothecary within a short time.

Another favorite argument of the Prohibitionists is that the law lessens pauperism; yet, strange to say, the pauper rate in Maine is very heavy. In 1851 the population of Bangor was 14,629. During the last year of the license law the cost to the city for the maintenance of her paupers was \$5,337.

In 1863, the population having considerably increased, the pauper record was only about \$6,000. From this figure it has increased till for 1877 in a population of 18,000, it went close upon \$27,000 to satisfy the hungry mouths of the 1,685 paupers that burdened Bangor with their presence. In answer to those who may charge that hard times will account for the increase, I would suggest that hard times would equally curtail the ability of the individual to purchase liquor. Yet during the hard times, as shown above, the arrests for drunkenness under prohibition are far above what they were in good times when respectable hotel keepers were permitted to control the trade. If Toronto were burdened with a like proportion of paupers it would cost her council over \$100,000 a year.

Penobscot, the county in which Bangor is located, has a population of about 75,000, and for this district the expense of enforcing prohibition, paying deputy sheriffs, court costs arising out of liquor cases, &c., is not less than from \$20,000 to \$25,000 a year. Yet in the County of Wellington, Ont., that has a larger population it only cost \$1,681.90c. to enforce the stringent provisions of the Crook's Act and for sixty odd counties and license districts of the Province, the total cost was nearly one thousand dollars less than it took to try and enforce prohibition in this single County of Penobscot, in Maine, though even the Crook's Act could be enforced in better shape at one half the present cost if it were used less as a political machine. The tax rate in the city of Bangor is 3.35 per cent., a sum not very astonishing when one considers that it costs about \$1.50 on every man, woman, and child of her population to feed her poor. An ex-ayor of the city unhesitatingly expressed his opinion that the enforcement of prohibition in that city had accomplished a great injury; using his own words:—"It had called into existence a lot of private drinking clubs, had opened innumerable low drinking dens, where the vilest poison was sold, and had bred a sly, underhand system of drinking which was ruinous to the morals of the community." Again, in the words of a leading journalist, one of the representative men of that section of the State, used by him in an address delivered before a large gathering of temperance people in Bangor:—"Not one man or woman in the State of Maine had been made temperate because they could not obtain liquor to drink." To the truth of this declaration the chairman of the meeting in question assented.

If the Scott Act was passed throughout the Province of Ontario it would entail a pecuniary loss upon the municipalities in round numbers of \$26c,000 a year, or for the three years it has to remain in operation to a loss of \$780,000. And the tax-payers of the country are asked not alone to sacrifice this enormous revenue, but also to burden themselves with the heavy additional taxation necessary to meet the expenses of working the new law.

If the Scott Act would prevent liquor being manufactured or sold, if its passage would banish drunkenness then some substantial return would be made to the people, but when such laws have proved rank failures elsewhere why should the Canadian people load themselves with extra taxes so that a lot of agitators can gratify themselves by making the experiment in this country.

### Repeal of Prohibition in Massachusetts

The evil effects of prohibitory legislation became so marked in Massachusetts that in May, 1867, a joint special Committee of the Senate and Legislature sent out invitations to leading citizens of the Commonwealth to come before them and testify to the working of the law in their respective localities. In response to the invitation 183 prominent citizens went before the Committee; of this number, 108 condemned the prohibitory law in the strongest manner. On the list of dissentients there were thirty-four Ministers of the Gospel all of whom, with rare unanimity, testified to the increased drunkenness it had inaugurated in their respective parishes. Of the seventy-five who still expressed a favorable opinion of prohibition only twenty-four were clergymen. The weight of evidence was, therefore, strongly in favor of a stringent license law and the Committee on the part of the Senate and the Legislature closed their report in the following words:—"As good citizens whose only interest is to promote the highest good of the State, we should not be deterred by prejudice or pride of opinion, or the mistaken judgments of good men, from reforming in season a law unsound in theory and bad in practice." In the year 1875 the present license law came into operation and as convincing evidence of the damaging influence upon the morals of a community by the enforcement of such a law as prohibition, I annex a record of the arrests for drunkenness in the City of Boston for several years under both laws. I cheerfully record here my indebtedness to Mayor Pierce, Chief of Police Savage, the board of License Commissioners and officers of the Senate and Legislature for their courtesy in supplying me with official records.

### Arrests for Drunk and Disorderly in Boston under Prohibition.

Year, 1869.....	19,446
" 1870.....	18,678
" 1871.....	18,089
" 1872.....	16,612
" 1873.....	16,810
" 1874.....	18,090

Now commences the record under the present license law:

Year, 1875.....	16,645
" 1876.....	15,067
" 1877.....	14,373
" 1878.....	13,976

To render more startling the advantages possessed by a strict license law, it is necessary to state that within the past few years several contiguous municipalities have been annexed to Boston. To show clearly the true state of affairs I give the following official statistics:

1868....	Population of Boston .....	230,000
1869....	" "	237,000
1870....	" "	250,000
1871....	" "	265,000
1872....	" "	285,000
1873....	" "	300,000
1877....	" "	350,000

By comparing the above figures it will be seen that Boston under a prohibitory law in 1869, with a population of only 265,000 had 19,446 arrests for drunkenness; in 1878, under the license system with nearly one hundred thousand more people within her borders, the arrests were only 13,976. During the reign of prohibition there were about 3,000 places selling liquor in Boston, all of them of course—illegally. Under the license system, all this has been changed, and from the report of the Licence Commissioners for 1877, I cull the following:—

"The net revenue enjoyed by Boston from licences was \$181,164, 27, and from the testimony of leading brewers and dealers in liquors before the Board, the introduction of the present law has immensely increased the sale of lager and other beer and seriously diminished the consumption of alcoholic drinks. It also appears that while under prohibition there was an enormous demand for the commonest class of whiskey and cheap domestic brandies, rum and gin, that demand has now almost ceased, and a superior and purer class of spirits is being purchased by dealers."

The Commissioner's report for 1878 also alludes to the gratifying decrease of drunkenness under the License Law.

### The Barley Question. How the Scott Act will injure the Farmer.

The temperance people say they expect to pass the Scott Act all over the country; now if they effect their purpose, and the Act were to accomplish what they claim for it, viz.: the suppression of the trade in liquor, then every brewer in Canada would be compelled to give up business. By examining the government reports for the past fiscal year we find that the brewers used about two million six hundred thousand bushels and about seven and a quarter millions of bushels are sent to the United States making a grand total of nearly ten million bushels of barley for the year.

Now let a farmer ask himself the following question:—Why is it that there is such a sharp demand for Canadian barley? And his own common sense will supply the correct answer, viz.:—Because our barley is of better quality—being notably a better color than what is grown by Uncle Sam. Now what makes the color so valuable a consideration, certainly if the grain were used as the prohibitionists advise, viz.:—as feed for cattle, it would not matter whether the grain were light or dark color, but with the brewer color is the all important question, and any farmer whose grain is of good bright shade can command several cents per bushel more for it than if it were of poorer color. Good ale cannot be made from dark colored barley, and allowing five cents per bushel only as the extra value of the good color, the loss to the farmers of Canada by the withdrawal of such demand would on the barley crop of the Dominion be several hundreds of thousands of dollars a year. Prohibition also for the Dominion of Canada means a loss of revenue of nearly five million dollars a year. A loss that would have to be met by direct taxation. In plain words the population of Canada is about four millions, and to meet the deficiency caused by the loss of such a heavy portion of the income of the country it would take a direct tax of about \$1.25 on every man, woman and child of the population to make the loss good.

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Let every citizen of Canada opposed to fanatical legislation, every elector who values his individual liberty vote against such a miserable law as the Scott Act. Every man having confidence in the intelligence and Christianity of the Canadian people will vote against a law that is a direct insult to the community in which the agitators seek to enforce it. Vote against a law that will compel

direct taxation to meet the expenses of its enforcement. Vote in favor of the present straining license law, and against a compulsory law like the Scott Act.

E. KING DODDS.

"The subject who is truly loyal to the Chief Magistrate will neither advise nor submit to arbitrary measures"—JUNIUS

## SUMMARY OF THE ACT.

THE LIMITED SPACE at command will not permit my furnishing more than a brief summary of the Act. I ask the farmers of Canada to pay particular attention to the clause which prohibits them selling cider in any County where the Act is in force. By a perusal of the provisions of the law, they will find that the Temperance leaders have actually pronounced the farmer who makes a barrel of cider more guilty than the brewer who produces beer. To the latter they give permission to sell in 8 gallon quantities outside of the County, while the farmer is only allowed to dispose of his harmless beverage in the larger quantity of 10 gallons. The reason for thus legislating against the farmer to quote the language of a leader of the Canadian Prohibitionists was, because "Hard cider is a bad drink."

### Extracts from the Canada Temperance Act.

In case it appears by evidence to the satisfaction of the Governor-General in Council that the petition asking for the submission of the Act has appended to it the genuine signatures of one-fourth or more of all the electors in the county or city named in it, and has been duly deposited as prescribed, His Excellency in Council may issue a proclamation under this part of this Act.

In case one-half or more of all the votes polled are against the petition, the same shall be held not to have been adopted.

In case more than half of all the votes polled are for the petition, the same shall be held to have been adopted; and the Returning Officer shall make his return to the Governor-General in Council accordingly.

95. When in any county or city one half or more of all the votes polled have been against the adoption of the petition, no similar petition shall be put to the vote of the electors of such county or city for a period of three years from the day on which such vote was taken.

96. When any petition embodied as aforesaid has been adopted by the electors of the county or city named therein and to which the same relates, the Governor-General in Council may at any time after the expiration of sixty

days from the day on which the same was adopted, by Order in Council published in the *Canada Gazette*, declare that the second part of this Act shall be in force and take effect in such county or city upon, from and after the day on which the annual or semi-annual licences for the sale of spirituous liquors then in force in such county or city will expire; provided such day be not less than ninety days from the day of the date of such Order in Council; and if it be less, then on the like day in the then following year: and upon, from and after that day this Act shall become and be in force and take effect in such county or city accordingly.

97. No Order in Council issued under the provisions of this Act shall be revoked until after the expiration of three years from the day of the coming into force under it of the Act, nor unless nor until a petition to the Governor General praying for such revocation has been embodied in a notice in writing addressed to the Secretary of State for Canada and signed by one-fourth or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons in the county or city named in such Order in Council.

### Prohibition of Traffic in Intoxicating Liquors.

i. From the day on which this Act comes into force and takes effect in any county or city, and for so long thereafter as the same continues in force therein, no person, unless it be for exclusively sacramental or medicinal purposes, or for *bona fide* use in some art, trade or manufacture, under the regulation contained in the fourth sub-section of this section, or as hereinafter authorized by one of the four next sub-sections of this section, shall, within such county or city, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, on any pretence or upon any device, sell or barter, or in consideration of the purchase of any other property give, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor, capable of being used as a beverage and part of which is spirituous or otherwise intoxicating:

**2.** And neither any license issued to any distiller or brewer, — nor yet any license for retailing on board any steamboat or other vessel, brandy, rum, whisky, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, —nor yet any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors,—nor yet any other description of license whatever, —shall in any wise avail to render legal any act done in violation of this section :

**3.** Provided always that the sale of wine for exclusively sacramental purposes shall be made by druggists and vendors as hereinafter provided, only on the certificate of a clergyman affirming that the wine is required for sacramental purposes.

**4.** Provided also that the sale of intoxicating liquor for exclusively medicinal purposes or for *bona fide* use in some art, trade or manufacture, shall be lawful only by such druggists and other vendors as may be thereto specially licensed by the Lieutenant-Governor in each Province, the number not to exceed one in each township or parish, nor two in each town; and in cities not exceeding one for every four thousand inhabitants; such sale, when for medicinal purposes, to be in quantities of not less than one pint, to be removed from the premises and to be made only on the certificate of a medical man having no interest in the sale by the druggist or vendor, affirming that such liquor has been prescribed for the person named therein; and when such sale is for its use in some art, trade or manufacture, the same to be made only on a certificate signed by two Justices of the Peace of the *bona fides* of the application, accompanied by the affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation; and it shall be the duty of the druggist or other vendor to file the certificates and keep a register of all such sales, indicating the name of the purchaser and the quantity sold, and to make an annual return of all such sales on the thirty-first day of December in every year to the Collector of Inland Revenue within whose revenue division the county or city is situated.

**5.** Provided also, that any producer of cider in the county, or any licensed distiller or brewer, having his distillery or brewery within such county or city may thereat expose and keep for sale such liquor as he shall have manufactured thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons, or in the case of ale or beer not less than eight gallons at any one time, and only to druggists and others licensed as aforesaid, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons, or in the case of ale or beer not less than eight gallons at a time:

**6.** Provided also, that any incorporated company authorized by law to carry on the business of cultivating and growing vines and of making and selling wine and other liquors produced from grapes, having their manufactory within such county or city, may thereat expose and keep for sale such liquor as they shall have manufactured thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons at any

one time, and only to druggists and others, licensed as aforesaid, or to such persons as they have good reason to believe will forthwith carry the same beyond the limits of the county or city and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons at a time.

**7.** Provided also, that manufacturers of pure native wines made from grapes grown and produced by them in the Dominion of Canada, may, when authorized to do so by license from the Municipal Council or other authority having jurisdiction where such manufacture is carried on, sell such wines at the place of manufacture in quantities of not less than ten gallons at one time, except when sold for sacramental or medicinal purposes, when any number of gallons from one to ten may be sold:

**8.** Provided also, that any merchant or trader exclusively in wholesale trade, and duly licensed to sell liquor by wholesale, having his store or place for sale of goods within such county or city, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less than ten gallons at any one time, and only to druggists and others licensed as aforesaid or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, to be wholly removed and taken away in quantities not less than ten gallons at a time;

**9.** In any prosecution against a producer, distiller, brewer, manufacturer, merchant or trader under this section, it shall be incumbent on the defendant to furnish satisfactory evidence of having good reason for believing that such liquor would be forthwith removed beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, for consumption outside the same.

### Penalties and Prosecutions for Offences against the Second Part.

**100.** Whoever, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretence or by any device, sells, or barters, or in consideration of the purchase of any other property, gives, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and a part of which is spirituous or otherwise intoxicating, in violation of the second part of this Act, shall be liable on summary conviction to a penalty of not less than fifty dollars for the first offence, and not less than one hundred dollars for the second offence and to be imprisoned for a term not exceeding two months for the third and for every subsequent offence; and whoever, in the employment or on the premises of another, so exposes or keeps for sale, or sells, or barters, or gives in violation of the said second part of this Act, shall be held equally guilty with the principal, and shall be liable on summary conviction to the same penalty or punishment. And all intoxicating liquors in respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind whatever in which the same are contained shall be forfeited.

**101.** Any prosecution for any such penalty or punishment may be brought by or in the name of

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the Collector of Inland Revenue within whose official division the offence was committed,—or by or in the name of any person.

102. It shall be the duty of such Collector of Inland Revenue to bring such prosecution, whenever he shall have reason to believe that any such offence has been committed, and that a prosecution therefor can be sustained, and would not subject him to any undue measure of responsibility in the premises.

103. Such prosecution may be brought—

In the Province of Quebec, if the offence was committed in the City of Montreal or in the City Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as may be, or, if the offence was committed in any other part of the Province, then before a Stipendiary Magistrate, or before any two other Justices of the Peace for the District wherein the offence was committed, or, if the District is other than that of Quebec, or that of Montreal, before the Sheriff of such district;

In the Province of Ontario before any Stipendiary Magistrate or before any two other Justices of the Peace for the county, city or district wherein the offence was committed; or, if the offence was committed in any county, city or town having a Police Magistrate, then before such Police Magistrate, or in his absence, then before the Mayor or any two Justices of the Peace—or if the offence was committed in any city or town not having a Police Magistrate, then before the Mayor thereof, or before any two Justices of the Peace;

108. In case a credible witness proves upon oath before the Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, or before one of the Justices of the Peace before whom any prosecution for an offence against the provisions of the second part of this Act is brought, that there is reasonable cause to suspect that any intoxicating liquor in respect to which such offence has been committed, is in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, such Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, may grant a warrant to search such dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, for such intoxicating liquor, and if the same, or any part thereof, be then found, to bring the same before him; and any information to obtain a warrant under this section may be in the form of Schedule M. to this Act; and any search-warrant under this section may be in the form of Schedule N. to this Act.

109. When any person is convicted of any offence against the provisions of the second part of this Act, the Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, before whom such person is convicted, may adjudge and order, in addition to any other penalty or punishment, that the intoxicating liquor in respect to which the offence was committed, and which has been brought before him in virtue of a search-warrant as aforesaid (whether the same be or be not the property of such person), or not more than twenty gallons thereof, if there be more of it than twenty gallons, be forfeited, and that any and all kegs, barrels, cases,

boxes, bottles, packages and other receptacles of any kind whatever found containing the same, or not more than twenty gallons thereof if there be more of it than twenty gallons, be broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof if there be more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed; and thereupon such barrels, kegs, cases, boxes, bottles, packages and other receptacles of any kind whatever, to the extent aforesaid, may be forthwith broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof if there be more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed, by the constable or peace officer who executed the search-warrant under which the same was found, or in whose custody the same was afterwards placed by the convicting Magistrate, Commissioner, Recorder, Judge, Justices, Sheriff or Mayor.

#### E.

##### *Form of Ballot Paper.*

For the Petition.

Against the Petition.

#### F.

##### *Directions for the Guidance of Electors in Voting.*

The voter will go into one of the compartments, and with a pencil there provided, place a cross, thus  in the upper space if he votes for the adoption of the petition, and in the lower space if he votes against the adoption of the petition.

The voter will then fold the ballot, so as to show a portion of the back only, with the number and the initials of the Deputy Returning Officer, who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper he can return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the voter places on the ballot paper more than one mark, or places any mark on it by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or fraudulently puts any other paper into the ballot box than the ballot paper given him by the Deputy Returning Officer, he will be subject to be punished by fine or by imprisonment for a term not exceeding six months, with or without hard labor.

#### **The Law will not be Enforced.**

A study of the Act proves that no adequate machinery has been provided for the proper enforcement of its provisions.

Prosecutions may be brought "by or in the name of the Collector of Inland Revenue, within

whose official division the offence was committed." Such means as this will prove utterly worthless for the purpose intended. Revenue officers have important duties of their own to perform, and to pretend that they will travel out of their way to detect the tavern keeper who is selling liquor contrary to law is to assume a position too ridiculous to be worthy of special notice.

The law also provides that even when information has been lodged with a Revenue officer that liquor is being sold illicitly the officer need not proceed to prosecute if, in his judgment the prosecution cannot be sustained. The only means therefore of punishing those who sell liquor in those places where the Scott Act is passed is by the agency of informers or the temperance organizations existing in the locality. How miserably futile such agencies prove was evidenced in those municipalities where the Dunkin Act was supposed to be in force. The Scott Act will prove a repetition of "Dunkin" the counties will be robbed of a large revenue and "free trade in liquor" will again be the rule.

### Fact against Fiction.

The record of the different counties in Canada in a temperance point of view is highly satisfactory and bears strong testimony in favor of the license law, yet from the fierce ranting and intemperate declamations of many of the prohibition lecturers one would be led to believe that Canadians are a drunken, dissolute people.

A short time since Mr. W. H. Howland of Toronto, in company with Dr. Potts and others, attended a prohibition meeting in the town of Dundas, County Wentworth, the first named gentleman who is a late convert to the cause was placed in the front as chief speaker. In his address he declared the consumption of proof spirits in Canada to be twenty millions of gallons representing sixty millions of dollars uselessly squandered.

Now if I were not inclined to be charitable in my opinion, and desirous of believing that Mr. Howland erred, through lack of knowledge, I might think that he was a believer in the old Irish saying that "the sin of a lie is in the pinching of it."

The best answer to such bounce as the above are the facts presented in the Returns and Statistics of the Inland Revenue Department. A perusal of the report for the year ending 30th June 1878 presents the following record.

Amount of spirits manufactured during the years 1874, 75, 76, 77 and 78, 19,399.350 gallons or an average of 3,879.870 gal. a year. Of this the quantity taken for consumption in Canada was for the above five years 17,261.138 gal. or an average of 3,452.227 gal. each year.

I next turn to the government report giving a statement of the Imports of the Dominion for 1878 for home consumption of Brandy, Rum, Gin, Alcohol, Whiskey and other unenumerated spirits and find there were 823,454 gal.

Adding the imported article to the number of gallons of home manufactured spirits entered for consumption in 1878, gives a grand total of 4,275 681 gals.

In the presence of such indisputable evidence, comment on Mr Howlands imaginary figures is unnecessary.

Yet such is a sample of the sensational stuff served to the people for the purpose of influencing them to vote in favor of prohibition.

As the most convincing answer to the *bosh* alluded to, attention is requested to the following

STATEMENT shewing the number of prisoners committed to County Gaols for drunkenness during the year 1879 taken from page 66 of the license report of the Hon. the Provincial Secretary of the Province of Ontario, issued at the Parliament Buildings, Toronto.

County of Bruce,	Number Committed....	8
" " Grey,	" "	35
" " Halton,	" "	1
" " Lanark,	" "	8
" " Lennox and Addington	"	9
" " Peterborough	"	5
" " Renfrew,	"	5
" " Stormont, Dundas, and Glengarry,	"	7
" " Wellington "	"	23
" " Huron,	" "	15

This is a record highly satisfactory, and is a much better shewing than the rural districts of the United States, England, Ireland or Scotland.

Such a law as the Scott Act, which is an effort to muzzle the mouths of the people is a direct insult to the intelligence of the Canadian Electorate.

Individuals or Associations desirous of making engagements with me to lecture in opposition to the Scott Act can ascertain terms, etc. by addressing me at Toronto.

Respectfully,

E. King Dodds.